REMARKS

This application has been carefully reviewed in light of the Office Action dated September 8, 2004. Claims 1-4 remain pending in this application. Claims 1 and 3 are the independent claims. Favorable reconsideration is respectfully requested.

On the merits, the Office Action rejected Claims 1 and 2 under 35 U.S.C. §102(b) as being anticipated by Okuda et al. (United States Patent No. 5,923,645; hereinafter "Okuda"). The Office Action also rejected Claims 3 and 4 under 35 U.S.C. §102(b) as being anticipated by Holden et al. (United States Patent No. 5,692,124; hereinafter "Holden"). The Office Action further rejected Claim 1 under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Finally, the Office Action stated that the Information Disclosure Statement filed on 1/17/2003 failed to comply with 37 C.F.R. §1.98(a)(1).

Applicant has enclosed with this Response to Office Action an information disclosure statement in compliance with 37 C.F.R. §1.98(a)(1) so that such information will be considered by the Examiner.

With respect to the Examiner's rejection based on 35 U.S.C. §112, second paragraph and the meaning of "object" as used in Claim 1, Applicant directs the Examiner to the Written Description of the patent application. The term "object" is used and defined throughout the Written Description and is not indefinite or unclear. In the Field of Invention section, object is used to mean a "credit card or other electronic legal tender, bank cards, cellphones, laptops, etc." *See* Applicant's Written Description, page 1, line 5. In the Summary of the Invention section, object is used to mean a "credit card, a cellphone, building-access badges, car keys, etc., or any other object including software." *See* Applicant's Written Description, page 2, lines 16-17. Finally, in the Detailed Description section, object 114 is described as either "software or

hardware." *See* Applicant's Written Description page 4, line 9. Reading Claim 1 in light of the Written Description including the examples listed above provides for a clear and definite understanding of the term "object" as used in Claim 1. Thus Applicant respectfully traverses the §112, second paragraph rejection of Claim 1 because the term "object" is not indefinite in light of Applicant's Written Description.

The Examiner rejected Claims 1 and 2 under 35 U.S.C. §102(b) as being anticipated by Okuda. Applicant respectfully traverses the above rejection for at least the following reasons.

Okuda recites a method and apparatus for determining a bottleneck transmission path within an asynchronous transfer mode ("ATM") network and realizing an appropriate available bit rate control.

Okuda fails to recite, suggest, or teach an object with a "predictor to predict at least a part of a pre-determined itinerary of at least one data packet in a distributed network," as recited in Applicant's Claim 1. In rejecting Claim 1, the Examiner points to column 13, lines 24-26 in Okuda. *See* Office Action 9/8/2004, page 3. But that passage in Okuda does not anticipate Claim 1 of Applicant's invention and does not predict at least a part of a pre-determined itinerary. Okuda "predicts a bottleneck path whose transmission rate is limited by the congestion in another ATM switching unit." Okuda, column 13, lines 24-26. The bottleneck path in Okuda is a path that varies based on the given activity and congestion at any time within the ATM network and therefore requires an examination of the activity and congestion to determine the bottleneck path meaning that the bottleneck path is not a pre-determined itinerary. *See* Okuda, column 5, line 44 – column 7, line 11; column 13, lines 18-23. Thus Applicant respectfully traverses the §102(b) rejection of Claim 1 over Okuda, because the reference fails to recite, teach, or suggest every limitation of Applicant's Claim 1.

The Examiner rejected Claims 3 and 4 under 35 U.S.C. §102(b) as being anticipated by Holden. Applicant respectfully traverses the above rejection for at least the following reasons.
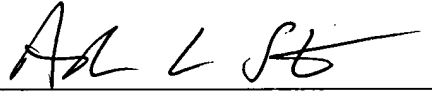
Holden recites a method for limited write downs of data from higher security classification users to lower security classification users across computer networks while protecting the classified data at the higher security level.

Holden fails to recite, suggest, or teach a method including the step of "receiving from the object a prediction of at least a part of a pre-determined itinerary of at least one data packet in a distributed data network," as recited in Applicant's Claim 3. In rejecting Claim 3, the Examiner relies on column 11, lines 32-41 and lines 46-53 in Holden. *See* Office Action 9/8/2004, page 4. Holden does not disclose "receiving from the object a prediction of at least a part of a pre-determined itinerary." The predictions made in Holden are not with respect to any pre-determined itinerary of a least one data packet in a network but instead predict "the user content of permissible feedback messages" in order to allow a message to be released from a high security classification to a lower security classification. *See* Holden, column 11, lines 11-31. There use of the terms "deterministic" and "nondeterministic" throughout Holden including the sections cited by the Examiner are not in the context of something that is pre-determined like the pre-determined itinerary in Applicant's invention but are in the context of how determinative the data is with respect to actions taken with the data. *See* Holden, column 10, line 66 – column 11, line 57. Thus Applicant respectfully traverses the §102(b) rejection of Claim 3 over Holden, because the reference fails to recite, teach, or suggest every limitation of Applicant's Claim 3.

Claim 2 depends from independent Claim 1 discussed above and Claim 4 depends from independent Claim 3 discussed above. Claims 2 and 4 are believed patentable for at least the same reasons. Applicants request reconsideration of the rejections of Claims 2 and 4.

In view of the foregoing amendments and remarks, Applicant respectfully submits that the currently pending claims are clearly patentably distinguishable over the cited and applied references. Accordingly, entry of this amendment, reconsideration of the rejections of the claims over the references cited, and allowance of this application is earnestly solicited.

Respectfully submitted,

By _____

Adam L. Stroud,
Reg. No. 48,410
Attorney
(408) 474-9064
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